

E.6

EAGLE PICHER

May 14, 1992

Kurt Lindland, Esquire
Assistant Regional Counsel
U.S. EPA
77 W. Jackson
Mail Code CS-3T
Chicago, Illinois 60604



Re: Albion-Sheridan Township Site
Section 104(e) Information Request

Dear Mr. Lindland:

By letter dated May 8, 1992, addressed to Mr. Paul D. Harper at Eagle-Picher Industries, Inc., the U.S. EPA submitted an information request to Eagle-Picher pursuant to Section 104(e) of CERCLA, with respect to the Albion-Sheridan Township Landfill Site, located in Albion, Michigan.

Without commenting on or waiving any of our rights with respect to the merits of the Section 104(e) request, please be advised that on January 7, 1991, an order for relief under Chapter 11, Title 11, United States Code, was entered with respect to Eagle-Picher Industries, Inc. in the United States Bankruptcy Court for the Southern District of Ohio, Western Division. A copy of the Certificate of Commencement of Case is enclosed.

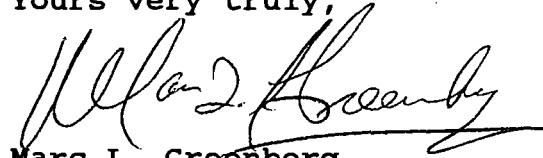
Under Section 362 of the Bankruptcy Code, all actions with respect to any claims against Eagle-Picher that arose prior to January 7, 1991 are enjoined. Commencement of any such action constitutes a violation of the Federal Court injunction and is prohibited.

Eagle-Picher was identified by the U.S. EPA, Region V as a potentially responsible party at this site prior to January 7, 1991. Accordingly, the Section 362 stay applies to any action by the EPA with respect to Eagle-Picher, including interrogatories or information gathering. Before Eagle-Picher can respond to your Section 104(e) request, therefore, you must apply to the Bankruptcy Court referred to above with an application to have the stay lifted. Until such action is ruled upon, Eagle-Picher cannot respond to this Section 104(e) request.

Kurt Lindland, Esquire
May 14, 1992
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All further correspondence with Eagle-Picher Industries, Inc. in connection with the Albion-Sheridan site should be referred to me, rather than to Mr. Harper.

Yours very truly,

A handwritten signature in dark ink, appearing to read "Marc L. Greenberg", with a long horizontal flourish extending to the right.

Marc L. Greenberg
Assistant General Counsel

MLG/cjs

Enclosure

cc: James A. Ralston, Esquire
Mr. Paul D. Harper
Francis P. McCune, Esquire
Ms. L. Beth Sutherland
Stephen Karotkin, Esquire
Peter M. Gillon, Esquire

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RECEIVED
U.S. BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
In re

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

EAGLE-PICHER INDUSTRIES, INC.,
Debtor.

) **1-91-00100**
) Case No. 1-91-
) Chapter 11 - Judge
)
)

CERTIFICATE OF COMMENCEMENT OF CASE
AND RETENTION OF DEBTOR IN POSSESSION
PURSUANT TO BANKRUPTCY RULE 2011

I do hereby certify that on January 7, 1991 the above-named debtor filed a petition for relief under chapter 11 of title 11 of the United States Code and continues in the possession of its estate as a debtor in possession, no trustee having been appointed.

Dated: Cincinnati, Ohio
January __, 1991

MICHAEL D. WEBB

Clerk of the Bankruptcy Court